REMARKS

Claims 1-47 are pending in the present application. Applicants respectfully respond to this Office Action.

Claim Rejections – 35 USC § 103

Claims 27-31 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (Bae et al.: US Patent No. 5,832,387 A) in view of Nystrom (Nystrom et al.; US Patent No. 6,334,058 B1).

Applicants submit that the combination of Bae et al. and Nystrom is not proper.

Bae et al. relates to "an asymmetric digital subscriber line (ADSL) system useful as a transmitter," where "the DMT method, a kind of multicarrier modulation method" is utilized. (Col. 2, ll. 21-27). Further, Bae et. al is directed toward a "multicarrier transmission system in which relatively more information is assigned to a subchannel of a frequency region having a high SNR than that having a low SNR." (Col. 3, ll. 1-3).

Nystrom is directed toward "a system and a method for distribution of the available radio power freely between carriers within one MCPA (multicarrier power amplifier)." (Col. 2, 58-60). Where, if "the requested amount of power is available in a time slot, step 203, the power is allocated and the call set-up will proceed." (Col. 3, ll. 18-20). However, if "not enough power is available, calls have to be rearranged either within the cell or between cells." (Col. 3, ll. 24-25). Further, "if enough power is available within the cell and if the requested amount of power could be satisfied by releasing power from another time slot within the cell, handover is performed and the required amount of power is transferred between the time slots in the power bank at step 209." (Col. 3, ll. 27-31). Then, "the power is allocated at step 205, the connection is established, and a positive answer is sent to the requesting entity (the mobile telephone, the MSC, or another cell) at step 206. If not enough power is available in a time slot or if it is not possible to do the rearrangement of calls within the cell a negative answer is sent to the requesting entity at step 210." (Col. 3, ll. 33-38).

Applicants submit that Nystrom already solves the power allocation problem by allocating calls between cells or time slots so that maximum power levels are not overshot. Therefore, therefore there is no need for a person of ordinary skill in the art to combine the

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method of allocating power according to SNR of Bae et al. with Nystrom that already solves the power allocation problem.

Additionally, Applicants submit that modifying Nystrom according to the principles described in Bae et al. would change the principle of operation Nystrom. Specifically, power need no longer be allocated between cells or time slots but maybe be backed off in any specific sets of carriers and therefore would amount to a complete redesign of Nystrom.

Further, Applicants submit that there is no expectation that the power allocation of a wireline based DMT system such as described in Bae et al. could be applied to a wireless communication system as described in Nystrom.

Allowable Subject Matter

Applicants gratefully acknowledge that claims 1-26, 32-38 and 40-43 are in a position for allowance.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 26, 2005   By: _____

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